

REMARKS

Claims 1-22, 25-31, 33-34 and 36-40 are present in this case with claims 1-21 being withdrawn pursuant to an earlier restriction requirement. Claims 22 and 38, both independent claims, have been amended to use the language of the specification (paragraph [0051] of the published application).

The Examiner has objected to the drawings under 37 C.F.R. 1.83(a) as not showing every feature of the invention specified in the claims. The reference to the disposable enclosure liner, which is supported by the original claim 31 of the published application, has been removed from the claims through the amendment. This objection as well as the objection to the specification under 37 C.F.R. 1.75(d)(1) should be withdrawn.

As amended, the claims 22 and 38 recite that a collapsible bag and “the internal surface being removable for cleaning or disposal” as described in paragraph [0051] which reads as “Referring to FIG. 6, a disposable embodiment of the shower system is illustrated. The disposable shower system 140 includes a collapsible bag 142 having a plurality of spouts or nozzles 144 therein. The system 140 also includes a control device, here embodied as a pump 146, for pumping misted air into the enclosure 148 formed by the bag 142. The internal surface 150 of the enclosure 148 includes a hydrophobic surface and may be removed for cleaning or disposal. The system 140 is applicable to uses requiring compact shower systems such as camping or military field operations. A larger version of the system may be used in greenhouses (either as the walls of the greenhouse or for localized plant misting) or other known agricultural applications” (underlining added).

Figure 6 of the original drawings follows:



The applicants submit herewith a Declaration Under Rule 131, for disposing of the Guerin *et al* reference, U.S. 2005/02/0576 (“‘576”) which has a U.S. filing date of March 23, 2004. The instant application was filed on September 24, 2004 well within one year of the reference’s filing date. The instant application, which has overlapping inventors, is based on an Invention Disclosure of the Boeing Company (assignee of both the published application ‘576 and the instant application) which has a date earlier than the U.S. filing date of ‘576 and which discloses the invention as claimed.

It is submitted that the '576 application is not an effective reference as to the instant application, as is established by the Declaration.

It is pointed out that Guerin does not teach or suggest the invention as set forth in the amended claims. All of the claims of the instant application recite the disposable or removable internal surface. This feature has been indicated in the dependent claims 22 and 38. Claims 23, 25-31, 33 and 36-7 are dependent on claim 22 and 39 is dependent on claim 38, so that all pending claims are not anticipated by Guerin.

The Examiner in his discussion of the Guerin reference points to Figure 4 and states "Guerin's enclosure has an external surface (26) with a condensing surface (66)...a removable enclosure liner (24) lines the internal surface of the enclosure..." The patent at no point in its disclosure associates reference numeral 24 with a removable internal surface. Paragraph 0018 refers to a shower stall or primary wall 24 and a shower stall housing or secondary wall 26...wherein an air channel 28 is defined between. Paragraph 0019 discloses that "the primary wall 24 includes a sidewall 34, a base 36 and a ceiling 38..." (see Figs. 3 and 4). Paragraph 0035 and 0036 recite that "the interior surface 66 of the secondary wall 26 and the outer surface 42 of the primary wall 24 are embodied as including condensing surfaces... Examples of condensing surfaces 68 include stainless steel and various other metals..."

It can be appreciated that there is no collapsible bag or disposable or removable internal surface in Guerin. In such case, the Examiner's rejection of both the independent and dependent claims as anticipated should be withdrawn as this is an essential limitation of all of the applicant's claims.

The rejection of claims 34 and 40 under 35 U.S.C. 103(a) as unpatentable over Guerin should also be withdrawn as claims 34 and 40 are dependent claims and do not include the collapsible bag or disposable or removable internal surface.

The same is true of the rejection of claim 36 under 35 U.S.C. 103(a) over Guerin in view of Cima. The latter is relied as disclosing a power source which is used to power the controller, the feature recited in dependent claim 36.

Claims 39 and 40 are also dependent claims and have been rejected under 35 U.S.C. 103(a) over Guerin in view of Brunelle.

Brunelle is cited in connection with the delivery of an ionized mist. It, as in the case of Guerin, does not teach the collapsible bag or disposable or removable internal surface. The rejection should be withdrawn.

It is submitted that all of the claims in the case are in condition for allowance and notification to this effect is respectfully requested.

Respectfully Submitted,
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